

**CHAPTER 18**  
**CUSTODY OF CHILDREN BY ABANDONED SPOUSE**  
*H.F. 421*

**AN ACT** relating to the custody of children by an abandoned spouse.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 597.15, Code 1985, is amended to read as follows:

**597.15 CUSTODY OF CHILDREN.**

If the ~~husband~~ one spouse abandons the ~~wife~~ ~~she~~ other spouse, the abandoned spouse is entitled to the custody of the minor children, unless the district court, upon application for that purpose, ~~shall~~ otherwise ~~direct~~ directs, or unless a custody decree is entered in accordance with the provisions of chapter 598A. In this section "abandon" does not include:

1. The departure of a spouse due to physical or emotional abuse.
2. The departure of a spouse accompanied by the minor children.

Approved March 21, 1985

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**CHAPTER 19**  
**SURVIVING SPOUSE'S SHARE IN INTESTATE SUCCESSION**  
*S.F. 378*

**AN ACT** relating to the share of the surviving spouse in intestate succession.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 633.211, Code 1985, is amended to read as follows:

**633.211 SHARE OF SURVIVING SPOUSE IF DECEDENT LEFT NO ISSUE OR LEFT ISSUE ALL OF WHOM ARE ISSUE OF SURVIVING SPOUSE.**

If the decedent dies intestate leaving a surviving spouse and leaving no issue or leaving issue all of whom are the issue of the surviving spouse, the surviving spouse shall receive the following share:

1. ~~One-third in~~ All the value of all the legal or equitable estates in real property possessed by the decedent at any time during the marriage, which have not been sold on execution or by other judicial sale, and to which the surviving spouse has made no relinquishment of right.
2. All personal property that, at the time of death, was, in the hands of the decedent as the head of a family, exempt from execution.